


THE LAW OFFICE OF

**ELISA HYMAN, P.C.**

July 11, 2022

The Honorable Lewis J. Liman  
United States District Court - Southern District of New York  
500 Pearl St.  
New York, NY 10007

The request is GRANTED IN PART and DENIED IN PART.  
The initial pretrial conference is adjourned to August 19, 2022  
at 12:00 p.m. The parties are directed to dial in to the Court's  
teleconference line using the information previously provided.

SO ORDERED.  
  
LEWIS J. LIMAN  
United States District Judge

Re: K.M. v. New York City Department of Education, et al., 22-cv-2183 (LJL) 7/12/2022

Dear Judge Liman:

I represent the Plaintiff in the above-referenced case and write jointly with counsel for the Defendants to respectfully request an extension of time *sine die* to submit a proposed Case Management Plan ("CMP") and an adjournment of the initial conference currently scheduled for July 18, 2022. ECF Nos. 11, 14.

Plaintiff K.M. is the parent of K.M.1, a young boy with autism, requiring special education services so that he could receive a free and appropriate public education ("FAPE") as required by the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400 *et seq.* In 2018, Plaintiff filed a due process complaint under the IDEA concerning K.M.1.'s special education. Ultimately, Plaintiff K.M. prevailed in the IDEA administrative hearing. Under the IDEA, Plaintiff, as the prevailing party in the administrative case, is entitled to have Defendants pay her reasonable attorney's fees. 20 U.S.C. § 1415(i)(3). The federal complaint seeks an award of these attorney's fees and costs, as well as the fees and costs incurred in this action.

Defendants do not dispute that Plaintiff is the prevailing party entitled to reasonable attorney's fees. As previously reported, ECF No. 15, the parties have engaged in early settlement discussions, including a formal demand and offer. At this time, the parties are waiting for additional Comptroller authority to settle this matter. The parties have successfully resolved via settlement numerous claims for attorneys' fees and costs under the IDEA, without the need for motion practice. We believe we can do so here as well.

As such, the parties respectfully renew their joint request for an adjournment of the initial conference and submission of the CMP *sine die* while we try to resolve this matter via a negotiated settlement. This is the parties third request for an adjournment of the initial conference. ECF Nos. 13, 15. The Court granted our first request, ECF No. 14, and did not rule on our second request, ECF No. 15, which was modified as filed in error.

We thank the Court for its consideration of the parties' joint request herein.

Respectfully Submitted,  
THE LAW OFFICE OF ELISA HYMAN, P.C.

By: Erin O'Connor  
Erin O'Connor, Esq., Of Counsel  
*Counsel for Plaintiff*

cc: W. Simone Nicholson, Esq., *Counsel for Defendants*, via ECF